

## AMENDMENTS TO THE CLAIMS

Applicant respectfully requests the following amendments to the claim set:

1. (currently amended) A temporal volume control device comprising:

~~a monitoring component~~ an ambient noise monitoring device comprising a processing element structured to automatically obtain and record ambient noise values over time to create a temporal ambient noise map, wherein said ambient noise monitoring device iteratively records an ambient noise value corresponding to a time value, which may then average the ambient noise values obtained for select time values and correlate an average ambient noise value to each time value effectively creating a temporal ambient noise map; that creates a temporal ambient noise map, said temporal ambient noise map comprising a plurality of predetermined average ambient noise values corresponding to a plurality of discrete time periods, said noise values being collected before audio output adjustment operation is begun; and

an audio output component for receiving information corresponding to said temporal ambient noise map and using such information to produce and maintain a volume level and producing an audio volume level substantially corresponding to and greater than said temporal ambient noise map relatively greater than the average ambient noise values recorded on the temporal ambient noise map for each time value, wherein the audio output device responds to predicted ambient noise levels such that information broadcast therefrom is perceived without undue interference from ambient noise.

2. (original) The temporal volume control device of claim 1, wherein said audio output component utilizes said temporal ambient noise map to predict future ambient noise values.

3. (original) The temporal volume control device of claim 1, wherein a difference between said audio volume level and said temporal ambient noise map is constant over time.

4. (original) The temporal volume control device of claim 1, wherein said audio output component further comprises a manual volume control to selectively override said audio volume level.

5. (cancelled)

6. (original) The temporal volume control device of claim 1, further comprising an ambient noise monitoring component for iteratively recording at least one ambient noise value corresponding to a time value for at least one period of time to create said temporal ambient noise map.

7. (original) The temporal volume control device of claim 6, wherein said ambient noise monitoring component operates independently of said audio output component.

8. (original) The temporal volume control device of claim 6, wherein said ambient noise monitoring component is integral to said audio output component.

9. (original) The temporal volume control device of claim 6, wherein said ambient noise monitoring component further averages said at least one ambient noise value corresponding to said time value over said at least one period of time to obtain an average ambient noise value corresponding to said time value.

10. (original) The temporal volume control device of claim 9, wherein said temporal ambient noise map comprises said average ambient noise values corresponding to said time values over said period of time.

11. (currently amended) A method for controlling audio output volume, said method comprising:

monitoring levels of ambient noise over at least one period of time automatically obtaining and recording ambient noise values over time to create a temporal ambient noise map that may be utilized to predict future ambient noise values, wherein said ambient noise monitoring device iteratively records an ambient noise value corresponding to a time value, which may then average the ambient noise values obtained for select time values and correlate an average ambient noise value to each time value effectively creating a temporal ambient noise map;

~~averaging said levels of ambient noise to create a predetermined temporal ambient noise map, said temporal ambient noise map comprising a plurality of average ambient noise values corresponding to a plurality of discrete time periods, said noise values being collected before audio output adjustment operation is begun;~~

communicating said temporal ambient noise map to an audio output device, said audio output device capable of automatically adjusting an audio output volume level to substantially correspond to said temporal ambient noise map effectively producing and maintaining a volume level relatively greater than the average ambient noise values recorded on the temporal ambient noise map for each time value, wherein the audio output device may respond to predicted ambient noise levels such that information broadcast therefrom may be perceived without undue interference from ambient noise; and

producing, via said audio output device, audio information according to said audio output volume level.

12. (original) The method of claim 11, wherein said monitoring further comprises correlating at least one ambient noise value with at least one time value over said at least one period of time.

13. (original) The method of claim 12, wherein said averaging further comprises determining an average ambient noise value corresponding to said at least one time value over said at least one period of time.

14. (original) The method of claim 11, further comprising maintaining said audio output volume level at a level greater than levels corresponding to said temporal ambient noise map.

15. (original) The method of claim 14, wherein a difference between said audio output volume level and said levels corresponding to said temporal ambient noise map is constant over time.

16. (original) The method of claim 11, further comprising selectively overriding, via a manual volume control, said audio output volume level.

17. (original) The method of claim 11, wherein said at least one period of time comprises twenty-four hours.

18. (currently amended) A computer program product for implementing within a computer system a method for controlling audio output volume, said computer program product comprising:

a computer readable medium for providing computer program code means utilized to implement the method, wherein the computer program code means is comprised of executable code for implementing the steps for:

~~creating a predetermined temporal ambient noise map, said temporal ambient noise map comprising a plurality of average ambient noise values corresponding to a plurality of discrete time periods, said noise values being collected before audio output adjustment operation is begun; and~~

~~producing audio output substantially corresponding to and greater than said temporal ambient noise map.~~

monitoring levels of ambient noise over at least one period of time automatically obtaining and recording ambient noise values over time to create a temporal ambient noise map that may be utilized to predict future ambient noise values, wherein said ambient noise monitoring device iteratively records an ambient noise value corresponding to a time value, which may then average the ambient noise values obtained for select time values and correlate an average ambient noise value to each time value effectively creating a temporal ambient noise map;

communicating said temporal ambient noise map to an audio output device, said audio output device capable of automatically adjusting an audio output volume level to substantially correspond to said temporal ambient noise map effectively producing and maintaining a volume level relatively greater than the average ambient noise values recorded on the temporal ambient

noise map for each time value, wherein the audio output device may respond to predicted ambient noise levels such that information broadcast therefrom may be perceived without undue interference from ambient noise; and

producing, via said audio output device, audio information according to said audio output volume level.

19. (original) The computer program product of claim 18, wherein said computer program code further comprises executable code for implementing the steps for:

monitoring levels of ambient noise over at least one period of time; and

averaging said levels of ambient noise to create said temporal ambient noise map.